GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

I&I Department – APMB - Public Servants - Sri G.Veeraiah, Assistant Engineer (Marine Division), Machilipatnam - Trapped on 30.04.2004 - Prosecution orders were issued - Accused Officer acquitted by the Judgement dated 25.11.2017 of Hon'ble Court of III Additional District & Sessions Judge-cum-Special Judge for ACB Cases, Vijayawada in C.C.No.33/2008 - Further action dropped – Regularisation of suspension period as "on duty'' -Orders – Issued.

INFRASTRUCTURE & INVESTMENT (PORTS) DEPARTMENT

G.O.RT.No. 37 Dated: 08-07-2021.

Read the following:-

1. From the Director General, Anti Corruption Bureau, A.P., Hyderabad, letter Rc.No.110/RCT-REG/2004, dated 18.05.2004.
2. Proceedings in Rc.No.B1/1194/2004, dated 25.05.2004 of the Director of Ports, AP., Kakinada.
3. From the Director General, Anti Corruption Bureau, A.P., Hyderabad, letter Rc.No.110/RCT-REG/2004, dated 14.09.2004.
4. G.O.Ms.No.47, T.R&B(Vig.) Dept., dated 23.02.2005
5. From the Director General, Anti Corruption Bureau, A.P., Hyderabad, letter Rc.No.110/RCT-REG/2004, dated 26.05.2005
6. G.O.Rt.No.475, T.R&B Dept. dated 29.03.2008.
7. From the Hon'ble Court of III Additional District & Sessions Judge-cum Special Judge for ACB Cases, Vijayawada, dated 25.11.2017 in C.C.No. 33/2008.
8. From the Director General, Anti Corruption Bureau, A.P., Vijayawada, letter Rc.No.110/RCT-REG/2004, dated 23.01.2018.
9. G.O.Rt.No.69, I&I Dept. dated 17.03.2020
10. Letter dated 09.07.2020 of Sri G.Veeraiah, O/o.APMB, Kakinada
11. From the CEO,APMB Lr.No.CEO/B1/2672/2011, dated 13.08.2020 & 05.10.2020.

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O R D E R:

Whereas, it has been brought to the notice of the Government by the Director General, Anti Corruption Bureau, A.P., Hyderabad that Sri G.Veeraiah, A.E(Civil), Marine Division, Kakinada, while working as Mandal Engineering Officer, O/o.MPDO, Mummadivaram is trapped by the ACB officials on 30.04.2004, as they demanded and accepted the bribe amount from the complainant for sending M Book to the Gram Panchayath Office, Mummidivaram Mandal, vide reference 1st read above and the AO placing under suspension from the date his detention i.e 01.05.2004 under sub-rule (1) of rule 8 of A.P.Civil Services (Classification, Control and Appeal)

Rules, 1991. In the reference 6th read above, orders were issued to reinstate Sri G.Veeraiah, A.E(Civil), Marine Division, Kakinada into service and the individual joined duty on 11.11.2008 and continued in non-focal post.

2. In the reference 4th read above, Govt. have accorded sanction for prosecuting the accused officer Sri G.Veeraiah, A.E(Civil), Marine Division, Kakinada, while working as Mandal Engineering Officer, O/o.MPDO, Mummadivaram in a court of law under sections 7, 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1980.

3. In the reference 7th read above, the Hon'ble Court of III Additional District & Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam in its Judgement dated 25.11.2017 in C.C.No.33/2008 held that the accused is found not guilty of the offence punishable under Sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 and he was acquitted under Section 235(1) Cr.P.C. In the reference 8th read above, the Director General, Anti Corruption Bureau, A.P., Vijayawada have opined that there are no grounds to file an appeal in the High Court of AP against the order of trail court in CC No.33/2008.

4. The Spl. Public Prosecutor for ACB, APHC has opined that invoking FR 54 (B) of Service Rules, the competent authority can provide him the continuity of service with pay and the other benefits attached there to for the period under suspension for the charges under PC Act. Unless and otherwise, the incumbent has been suffered any punishment in any departmental enquiry initiated against him with regard to the said charges for which he has been prosecuted by the special Court for ACB Cases.

5. In the reference 9th read above, Government have decided to drop further action against Sri G.Veeraiah, A.E(Civil), O/o. Executive Engineer, Marine Division, Machilipatnam, as he was not found guilty of the charges and acquitted by the Orders of Hon'ble Court of III Additional District & Sessions Judge-cum-Special Judge for ACB Cases, Vijayawada, dated 25.11.2017 in C.C.No.33/2008 and dropped further action.

6. In the reference 10th read above, Sri G.Veerayya, AE, O/o EE, APMB has submitted that as he was facing chronic kidney disease & Paralysis of health/medical problems and requested the Govt., to regularise the suspension period from 29.03.2004 to 10.11.2008 as per sub-rule(3) of F.R.54-B treating the period spent on duty and release all the consequential benefits entitled to him as the Govt. have issued orders dropping further action against him.

7. The Chief Executive Officer, APMB has submitted that the individual was acquitted on merits and not on technical grounds. Therefore, he is entitled for treating the period of suspension as duty under FR 54 B (3). He

has requested the Govt to regularize the suspension period of Sri G.Veerayya, Assistant Engineer (Civil), O/o E.E, Marine Division, Machilipatnam for the period from 01.05.2004 to 10.11.2008 A.N. treating the period of suspension as duty under FR 54 B (3).

8. Government after careful examination, hereby decided to regularise the suspension period in respect of Sri G.Veeraiah, A.E(Civil), O/o. Executive Engineer, Marine Division, Machilipatnam from 01.05.2004 to 10.11.2008 AN as on duty as per sub-rule(3) of F.R.54-B and release all the consequential benefits entitled to the incumbent, as he was not found guilty of the charges and acquitted by the Orders of Hon'ble Court of III Additional District & Sessions Judge-cum-Special Judge for ACB Cases, Vijayawada, dated 25.11.2017 in C.C.No.33/2008.

9. The Chief Executive Officer, AP Maritime Board, Kakinada shall take immediate further necessary action in the matter, accordingly.

10. This order issued with the concurrence of the Finance Dept., vide their U.O No. FIN01-HR0RSE(DRCR)/3/2019-HR-II, dated 18.03.2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri G.Veeraiah, A.E(Civil), O/o. Executive Engineer, Marine Division, Machilipatnam through CEO, APMB, Kakinada
The Chief Executive Officer, AP Maritime Board, Kakinada.
Copy to:
The Director General, Anti Corruption Bureau, A.P., Vijayawada.
The Secretary to A.P.Vigilance Commission,
5th Building, A.P.Secretariat.
SF/SC(18021/60/2018).

// FORWARDED:: BY ORDER //

SECTION OFFICER